

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DURACELL U.S. OPERATIONS, INC., a Delaware
corporation,

Plaintiff,

vs.

SANSAR GLOBAL (S) PTE. LTD, a Singapore private
limited company, and SANSAR GLOBAL TRADING
LLC, a New York limited liability company,

Defendants.

Case No. 18-cv-9478 (JSR)

JOINT RULE 26 REPORT

Pursuant to Notice of Court Conference dated November 30, 2018, and FRCP Rule 26, plaintiff DURACELL U.S. OPERATIONS, INC. and defendants SANSAR GLOBAL (S) PTE. LTD and SANSAR GLOBAL TRADING LLC submit the following Joint Rule 26 Report and proposed schedule utilizing the Court's Form D:

- A. The case is to be tried to a jury.
- B. Joinder of additional parties must be accomplished by December 31, 2018.
- C. Amended pleadings may be filed without leave of Court until December 31, 2018.
- D. Discovery (in addition to the disclosures required by Fed. R. Civ. P. 26(a)):
 - 1. Documents. First request for production of documents, if any, must be served by January 11, 2019. Further document requests may be served as required, but no document request may be served later than 30 days prior to the date of the close of discovery as set forth in item 6 below.

2. Interrogatories. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York must be served by January 11, 2019. No other interrogatories are permitted except upon prior express permission of Judge Rakoff. No Rule 33.3(a) interrogatories need be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).

3. Experts. Every party-proponent of a claim (including any counterclaim, cross-claim, or third party claim) that intends to offer expert testimony in respect of such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by April 1, 2019. Every party-opponent of such claim that intends to offer expert testimony in opposition to such claim must make the disclosures required by Fed. R. Civ. P. 26(a)(2) by April 15, 2019. No expert testimony (whether designated as “rebuttal” or otherwise) will be permitted by other experts or beyond the scope of the opinions covered by the aforesaid disclosures except upon prior express permission of the Court, application for which must be made no later than 10 days after the date specified in the immediately preceding sentence. All experts may be deposed, but such depositions must occur within the time limit for all depositions set forth below.

4. Depositions. All depositions (including any expert depositions, see item 3 above) must be completed by April 29, 2019. Unless counsel agree otherwise or the Court so orders, depositions shall not commence until all parties have completed the initial disclosures required by Fed. R. Civ. P. 26(a)(1) or until four weeks from the date of this Order, whichever is earlier. Depositions shall proceed concurrently, with no party having priority, and no deposition shall extend beyond

one business day without prior leave of the Court.

5. Requests to Admit. Requests to Admit, if any, must be served by January 31, 2019.

6. All discovery is to be completed by May 7, 2019. Interim deadlines for items 1–5 above may be extended by the parties on consent without application to the Court, provided the parties are certain they can still meet the discovery completion date set forth in this paragraph. The discovery completion date may be adjourned only upon a showing to the Court of extraordinary circumstances, and may not be extended on consent.

E. Post-discovery summary judgment motions in the form prescribed by the Court's Individual Rules of Practice may be brought on without further consultation with the Court provided that a Notice of any such motion, in the form specified in the Court's Individual Rules of Practice, is filed no later than one week following the close-of-discovery date (item D-6 above) and provided that the moving papers are served by May 14, 2019, answering papers by June 4, 2019, and reply papers by June 18, 2019. Each party must file its respective papers with the Clerk of the Court on the same date that such papers are served. Additionally, on the same date that any papers are served and filed, counsel filing and serving the papers must arrange to deliver courtesy non-electronic hard copies to the Courthouse for delivery to Chambers.

F. A final pre-trial conference, as well as oral argument on any post-discovery summary judgment motions, shall be held on _____ [date to be inserted by the Court], at which time the Court shall set a firm trial date. The timing and other requirements for the Joint Pretrial Order and/or other pre-trial submissions shall be governed by the Court's Individual Rules of Practice.

G. All motions and applications shall be governed by Judge Rakoff's Individual Rules of


Practice. Counsel shall promptly familiarize themselves with all of the Court's Individual Rules, as well as with the Local Rules for the United States District Court for the Southern District of New York.

H. **Additional Stipulations**: the parties have agreed that to accommodate the holidays and facilitate settlement discussions, defendants shall have until December 31, 2018 to answer or otherwise respond to the First Amended Complaint, and that Rule 26 Initial Disclosures will be exchanged by January 11, 2019.

DATED: December 6, 2018

Respectfully submitted

By:

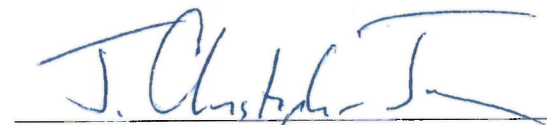

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DATED: December 6, 2018

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